



**DRIVER ADVISORY COMMITTEE MEETING
NORTH CAROLINA JUSTICE ACADEMY
MARCH 28, 2011 – 10:00 A.M.**

***All proposals located in these minutes are subject to majority approval
by members of the Commission***

WELCOME

Dan Worley called the meeting to order at approximately 10:04 A.M. and welcomed everyone to the meeting and the campus of the North Carolina Justice Academy. He thanked them for their time reviewing and considering information over the last twelve months so we could make an educated decision on these topics today. Dan introduced the Traffic and Tactical Center Manager Stacy Holloman, who also thanked the members for all they do for the driver training program. Later, Dan opened the floor to Director Mark Strickland for his words to the Committee. Director Strickland advised the Committee of the importance and need for Advisory Committee's, and thanked the members for their invaluable input as the subject-matter expert references that the Academy uses to create and maintain training curriculum for North Carolina law enforcement officers.

ROLL CALL

A Bryan

P Maul

P Collins

P McQueen (by proxy Tim Pressley)

A Geske

P Snead

P Grantham

P Southerland

P Guyton

A Wood

P Massengill (by proxy Steve Watkins) P Worley

APPROVAL OF MINUTES

A motion was made to accept the **July 2010** meeting minutes without revision by member Mike Maul, and was seconded by member Amy Collins. The motion carried unanimously.

BLET REVISION COMMITTEE ITEMS

Dan provided the Committee with an overview printout that included only those sections from the current BLET driver training lesson plan (18M) which were to be revised. The proposal from Dan included; additional information on officer fatalities in the "Reason" section on page 12-13, a new section of lecture/text on "Distracted Driving" on pages 53-55, a revision to language in the off-road recovery section on pages 55-56. Dan presented the Committee with the BLET Cone Courses PowerPoint presentation. This PowerPoint will be utilized by driver instructors as an additional aid in teaching the basic mandated courses in driver training. It consists of an animated PowerPoint presentation with each of the courses including point deductions and procedure. At the end of each review, there is a video that demonstrates the course in live action. Dan asked the Committee to mandate the showing of this PowerPoint by inserting an instructor note of same on page 116. He also reminded the Committee that this in no way relieves the driver instructor

from their requirement that they must personally demonstrate each of the courses during the instruction phase.

Member Larry Guyton asked the Committee to consider a revision to the language of the rule requiring instructors to cover the questionnaire on the model pursuit policy, as the questionnaire has questions pertaining to an emergency response policy and the Attorney General's model policy only has a pursuit policy. Member Guyton stated that during delivery of BLET driver training, it was unnecessary to conduct this exercise because the vast majority of the students attending a community college BLET were not already hired, and thus, an agency policy was not available. Member Guyton said that since there was no emergency response policy it made completing the questionnaire very difficult and required the instructor to fabricate a policy just so the students could answer a few questions on the questionnaire. Member Guyton was quick to agree that the use of questionnaire would be beneficial to agencies running their own BLET like the Highway Patrol or Greensboro PD, but that was because an agency policy existed and was readily available. He went on to suggest to the Committee that such an exercise should be optional at the discretion of the instructor to discuss or distribute the questionnaire based upon the type of audience he/she has. This was determined through further Committee discussion to be revised to an OPTIONAL requirement for standard BLET driver training where an agency policy is not already in place (For BLET's conducted by Community Colleges this will be optional, while strongly recommended for Agency BLET programs such as Highway Patrol, Greensboro, Winston-Salem, etc.) The current language requiring all driver instructors to cover this exercise will be revised to reflect it as an option. This will require revisions to the #2 directive on page 6.

Member Mike Maul asked the Committee to consider a revision to the "Occupant Protection Devices" section to include language that a great number of the recent fatalities are caused by the officer failing to wear their seatbelt. Mike Maul agreed to provide Dan with the resource so it can be quoted and included in the language on page 19 of the lesson plan.

Member Amy Collins asked the Committee to consider a revision to the current language in the "Driver Experience" section on page 27 of the lesson plan that suggests the average age for a police recruit is 16-24. The language will be changed to reflect age 16-24 is considered the most hazardous by insurance companies, IF further research by Dan shows that this statistic is still valid. If not, the correct age group will be included in this section.

A motion was made to accept all of the aforementioned proposals by proxy Steve Watkins and seconded by member Eric Southerland. The motion carried unanimously.

NC JUSTICE ACADEMY ITEMS – CURRICULUM/TRAINING

Pre-Entrance Testing Procedure Analysis

Dan reminded the Committee that the Commission has asked us to study the feasibility on conducting pre-qualifications for Specialized Driver Instructor Training.

Dan advised the Committee that he was very concerned with cost issues on this process initially, but has since been told that cost is not a huge concern if we can find a way to put more people through the class while maintaining the standard. Several members expressed concern about offering multiple "pre-qualification" attempts and suggested that we might end up with someone that simply made it through, but not necessarily a "good qualified driver." Dan advised the group that member Larry Guyton suggested an idea where we could bring a group of students in that morning, test through the basic 5 courses until lunch. Then, bring another group of 20 in at 1 P.M., and test them through the 5 basic courses. Using the average fail percentage, that should leave us with approximately 12-15 people. Then, take those 12-15 and finish testing them in the remaining courses. Of course, Dan reminded the Committee that with this suggestion now the issue would be time and what happens if we get two groups of good drivers? We could potentially end up with 35 students at 3 PM and there is no way 35 head can go through testing in the afternoon and night courses. Dan asked the Committee for their thoughts.

Member Mike Maul said he was a little hesitant to suggest anything, because he does not help with the SDIT courses as a staff member so he doesn't know what the issues are. Member Ray Snead agreed. Member Maul asked what the failed students excuses were upon failure. Dan advised the Committee that most students imply they were not prepared when they attended SDIT to start with, with some suggesting they had not seen the courses in over ten years. Member Ray Snead said the highway patrol SDIT program does not have an issue with this because they bring in their candidates approximately one year prior to the start of their SDIT and begin working with them, so they have driven the courses a copious amount of time before Patrol SDIT candidates ever test. He also said candidates must be personally referenced by a current patrol driver instructor. Member Snead asked Dan if there was any way the Academy could do this. Dan said the logistics of trying to do something similar to that was pretty much impossible. Member Scott Grantham said that he assists with SDIT at the Academy and that he sees a lot of issues with the student's ability to manage their own stress levels. He said they may even be good drivers, but they allow themselves to become overcome with anxiety which affects their ability to negotiate the courses. Several members agreed that there is not much that can be done about students that can't handle the stress and anxiety of the moment. Proxy Steve Watkins said that another issue may be that some local School Directors subjectively select people to send

Dan advised the Committee that the Academy already opens the track and courses on a voluntary basis for the students enrolled in SDIT on the week prior to the course they are registered so they can practice on the actual courses they will be tested on. Unfortunately, Dan advised the Committee, we still have a very low percentage of the group to take advantage of this offer. And of the ones that attend, there still is no direct link that such participation improves their chances of passing.

Member Mike Maul suggested to the Committee that we take a two-prong "temporary fix" approach to the issue in a "PILOT" phase first. For a period of 4 schools or one year, mandate a single practice session prior to their attending each SDIT for evaluation. Have Academy, or Adjunct staff, work with the students on the actual courses they will be tested on. Second, distribute questionnaires to the students prior to beginning the practice session to measure their exposure and experience at driver training, driving the courses, accessibility to a facility and instructor back home, etc. Then, after (post) evaluation, distribute a second questionnaire to determine if the practice session was helpful, why they felt their performance was substandard, did they fail to control their anxiety, etc. Member Snead agreed with him. At the end of the PILOT phase, the Committee will address the findings from the surveys and make a decision whether the practice session was helpful or not. The end result is having more quality students make it through the course than the current process, so this information will help us address where a deficiency may lie; such as in their ability to drive or their pre-entrance training. The Committee agreed that this would be a much better way to approach the problem initially than offering the student multiple attempts at "passing" a pre-qualification/pre-evaluation.

A motion proposing this "PILOT" process was made by member Scott Grantham and seconded by member Ray Snead. The motion carried unanimously.

Specialized Driver Instructor Training Manual Revision

Dan reminded the Committee that many revisions had already occurred to the SDIT manual that were approved for proposal at previous meetings, particularly the July 2010 meeting. Dan distributed a handout containing an overview of the remaining proposed revisions to the SDIT manual. The cover pages will be revised to meet CALEA requirements by including the approved seal for Driver Training in North Carolina, the history of the academy, mission statement and core values, manual development, and table of contents. Next, section 0701 (Legal and Operational Considerations) was a complete rewrite and includes information based off the current legal materials in the BLET lesson plan. The lesson plan also includes legal considerations for the driver instructor included in the lesson plan, as well as two handouts containing a full case law review, Attorney General's Model Pursuit Policy, and applicable North Carolina General Statutes. Dan expresses his appreciation to Assistant Attorney General Rick Brown for his work on revising this portion of the over-all manual. Finally, section 0801 (NC Administrative Code and Course Description

Packet Review) is a new addition to the manual. It will include lecture and review of the current Administrative Code handout and the Course Description Packet.

A motion was made by member Scott Grantham to approve the final revisions and seconded by member Ray Snead. The motion carried unanimously.

Cone Course Review and/or Revision

Dan reminded the Committee that he had asked the Committee to review the current cone courses to ensure they still meet our requirements and make training practical and efficient. Dan advised the Committee that he had reached out to Michigan State Police, Los Angeles PD and Sheriff's Office, and Louisiana State Police to see what they were offering. Dan said he was happy to see that while the overall make up of our courses differ, North Carolina is still teaching the same practical's as other states.
Space added to separate the paragraph.

Dan advised the Committee that a couple of members had expressed their intent to suggest to the Committee that we remove the parallel park out of the precision course. Dan advised the members that both of these members were either not present or had been removed from the Committee. Dan also advised the Committee that the vast majority of other states still do parallel parking in their courses, and that if we made any changes (such as removing parallel park), we would be required to enter a validation phase for the change. Member Eric Southerland made a motion to leave the current cone courses "as-is" without revision and was seconded by member Scott Grantham. The motion carried unanimously.

Course Description Packet Minor Revision

Dan provided the Committee with a handout that contained only those revisions to the manual. The revision includes adding language that requires the driver instructor to be in the car during all evaluation and re-evaluation phases of the Fixed Radius Curve, Evasive Action/Maneuver, Emergency Response, and Pursuit exercises. Dan advised the Committee that this was a request by the Standards Division, moreover Committee liaison Alex Setzer. There was no discussion against the issue by the Committee.

Member Larry Guyton suggested to the Committee that we make a revision to include language that specified exactly what could be provided to a student after their evaluation or re-evaluation attempts. Larry provided an example of a School Director that would not permit the instructors to tell the students anything, including their grade, time, etc. on attempts saying he wanted to make sure his program was by the book and didn't want any problems with the state. Dan advised member Guyton that he had addressed that issue by placing a "Question and Answer" on the January newsletter which listed an acceptable response and an unacceptable response. Basically, Dan said the acceptable comments dealt with how the student SCORED. For example, their time to complete, their overall score, their deductions, what cones they struck, etc. Dan went on to say that the Instructor crosses the line if they tell them what cone they struck AND continues on by telling the student how to correct that deficiency. Dan confirmed with the Committee that it was our intent to establish that no Instructor, nor any other student, can offer any instructional assistance to a student after evaluation has begun, including verbally walking a student through completing the course by telling them when to turn, when to stop, etc. The Committee agreed. Several Committee Members also agreed that they felt the current language in the Course Description Packet should be enough to reasonably informed individuals and an additional revision was unnecessary for this purpose. Dan told member Guyton that he actually credits the School Director with remaining vigilant to the standards established by the Commission. Dan said that although the School Director appears to have been exceeding the minimum expectations, he was only attempting to ensure his program was according to rule. Dan also asked member Guyton to refer the School Director to the homepage, and said he would send member Guyton a copy of the newsletter by e-mail containing that answer.

With no further discussion, a motion was made to accept only Dan's revision proposal by member Larry Guyton and seconded by member Ray Snead. The motion carried unanimously.

Driver Instructor Update or Recertification Process

Dan advised the Committee that this is topic we have been deliberating for quite some time. Dan reminded the Committee that even after standardizing the Course Description Packet, there still exist a range of interpretation on the rules and procedures. Dan reminded the Committee that we must also consider that many changes have been made to our program over the last twelve months including those we decide on today. Dan reminded the Committee that we are moving in the right direction, and that input from the field has been overwhelmingly positive to the attention we are putting into this program. But, Dan told the Committee he felt we needed a catalyst to put everyone back on the same sheet of music and understanding when it relates to Driver Training. Dan said an initial observation to proposing such a catalyst includes either a mandated update or an outright recertification process.

The difference is an update will require the student to attend mandated update training, and any other areas of instruction this Committee feels would be pertinent as you see deficiencies in the field, but no motor skills testing would occur. Dan did caution the Committee that if we make this a simple “sit-in lecture” with no form of testing that instructors may not take it as seriously, and that we should at least consider some form of testing to ensure the Instructors knowledge and learning was measured before they were allowed to successfully complete the update. In a recertification process, the instructor will be required to attend lecture, demonstrate proficiency in driving the cone courses with a minimum grade, and taking a state administered written examination. This would require additional resources and expense as well. Member Mike Maul asked about the necessity of recertification. He asked if we really needed an instructor that could demonstrate the ability to drive the courses. Dan reminded member Maul that the administrative code requires any specialized instructor to be able to demonstrate their proficiency in the area they are certified in. Member Eric Southerland agreed, saying if we have driver instructors out in the field they should obviously be able to drive the courses at a level higher than what a BLET student should. “If they can’t, do we need them in the program” member Southerland asked? Dan also provided the Committee with his estimation based off a printout from standards that suggests there are around 700 currently certified driver instructors in our state. Dan emphasized that this means there are an average of 7 per county.

Member Larry Guyton made a motion to propose a recertification process where instructors would be required to attend the North Carolina Justice Academy and be required to demonstrate proficiency at driving the mandated cone courses.

Member Mike Maul said he agreed with this thought to some degree, but was just concerned that a recertification process could potentially take out an excellent instructor at the podium in driver training when they may can’t drive at the 85 level required for instructors. Dan reminded the Committee that we had not discussed any provision for update or recertification training. Topic blocks of instruction, minimum scores, etc. would need to be addressed later once we decide what, if any, process is necessary. Member Scott Grantham said he did not know if a recertification process is the correct answer at this point, due to the recent revisions, etc. Member Grantham reminded the Committee that we have changed quite a bit to the program, and that some of the School Directors may not be distributing the information equally. He went on to suggest that a mandated update would require them to come back and be updated first. Proxy Tim Pressley said he spoke as a retired law enforcement officer that still maintains their driver instructor certification saying that the fact is we need to thin out some instructors. Proxy Pressley said that there are some that barely get by each renewal. But, he also reminded the Committee that any decision made here could be the final decision. So, if we elect to do recertifications with an 85 percent required to pass, then 85 is what we will have to stick with. Proxy Steve Watkins agreed that we needed to do something about the issue, just cautioned our response.

After several minutes of discussion, Dan reminded the Committee that a motion by member Larry Guyton had been made and remained on the table. Dan asked if there was a second to the motion. There was none. Dan then advised the Committee that member Guyton’s proposal was now removed from the table. Member

Eric Southerland said that he actually agreed that member Guyton's proposal had merit, but agreed that we shouldn't jump into a process that we can't back out of.

Member Mike Maul asked the Committee how they felt about beginning with a mandated update so material revisions could occur but no motor skills testing would be included. Dan told the Committee that, as with any mandated consideration we take into advisement, state budget and the Justice Academy/Standards Division ability to logistically handle revisions should be taken into consideration. Dan asked specifically what the Committee envisioned as a draft schedule for this mandated update training. Member Maul said that we could do mandated update training, including course building and lecture, require that the instructor would also have to pass an Academy-administered written examination as part of the successful course completion requirements scoring 75 or higher to ensure our target of bringing everyone onto the same processes, rules, and regulations are met. But as part of the update, Dan could also trial the instructors on driving the courses and see how many of them could drive at the BLET level (70/PASS), and how many could also drive at the Instructor level (85/PASS). Member Ray Snead agreed, saying that this process would also give us hard data to process and determine whether we actually needed a recertification process. Member Scott Grantham agreed, saying we have to walk before we can run, and with this methodology, we may find that more instructors can perform at the instructor level than we currently think. Dan said that he felt this was a very reasonable proposal that the Academy could handle logistically, especially since there was very little cost if any. He also agreed that this proposal would be driver specific when presented to E&T because its sole purpose is to expose changes in the program, refresh their skills, and measure their knowledge by written testing. Dan said he felt the Commission would support it. But, Dan also reminded the Committee that ultimately the Commission can elect to change, modify, or not accept any proposal by this Advisory Committee.

Member Eric Southerland made a motion to propose mandated UPDATE training for all driver instructors, requiring them to receive lecture on the (current version at that offering) BLET lesson plan, Driver Instructor manual, Course Description Packet, Administrative Code handout, and course building and measurements followed by an Academy delivered written examination requiring the student to achieve a 75 or higher to pass the class. If the student fails the written examination, they will be afforded an opportunity for one retest within 90 days. Upon failing the retest, the student has failed the mandatory update training and must register to attend another update course in its entirety not to exceed the 3 year cycle. During the update training, the Academy SDIT School Director will be required to perform a trial measurement on instructor ability to drive the five basic courses measuring their proficiency without repercussions to passing the overall UPDATE course. The Academy SDIT School Director will maintain a database on these results and upon completing the 3-year cycle of exposing all driver instructors to the update training, reconvene and make a justified decision on whether a recertification process is necessary. The motion was seconded by member Mike Maul. The motion carried unanimously.

INFORMATIONAL ITEMS

Upcoming – PIT Instructor Qualifications/Acceptable Schools

Dan reminded the Committee that there currently are no rules or regulations pertaining to Pursuit Immobilization Techniques and/or "Rolling Roadblock" training in North Carolina. Currently, an agency can accept training from anyone and anywhere. Dan advised the Committee that he is NOT seeking support from this committee to make another specialized instructor certification, or to suggest that the North Carolina Justice Academy offer this type of training only. He is only wishing to receive input from the Committee on the severity of this issue and asked Committee members to begin researching what courses are being offered around their areas and if any specified materials are used to create the lesson plan. Member Mike Maul said he was aware of commercial enterprises operating in the state training PIT to law enforcement and they have no practical experience in the method or law enforcement experience. Dan suggested to the Committee that examples like that are what concerns him, and would like for the Committee to address it and see where we might could make a difference with it. He asked the Committee to remain focused on the quality of training and the safety of our officers and citizens as we work towards discussion on this important topic.

Mandated Driver Training for Law Enforcement In-Service

Although distant future, we should address the necessity of mandated in-service driver training. Dan advised the Committee that the major insurance provider for local police, the League of Municipalities, has already inquired about recurrent driver training issues within North Carolina. We all know that driving is high liability, and as statistics have already confirmed, it is the number one killer of law enforcement now. Again, this is a topic we will be addressing in the distant future. I ask that you begin now deliberating this. Check with administrators in the field, Chiefs, Sheriffs, etc. Member Scott Grantham said it would have to be mandated for some agencies. He said there are agencies that believe driver training is too expensive to do yearly. Dan agreed that Scott raised an important point that the Committee did need to consider. In that, we need to strongly consider the cost and logistics of agencies and colleges when making any decisions on what, if any, proposals this Committee forward to the In-Service Training Committee.

OTHER BUSINESS

Term Renewals/Appointments:

Kathryn Bryan (new appointment)
Eric Southerland (new appointment)
Michael Geske
Ray Snead

NEXT SCHEDULED MEETING:

Location, Host, and Date: TBD

ADJOURNMENT

With no further business mentioned for addressing, the meeting was adjourned at 4:03 P.M. until further notice from the Chair.